

REMARKS

Claims 1-3 and 5-11 have been amended and claims 1-11 are now pending in the present application.

Office Action of June 1, 2005

Applicant has carefully reviewed and considered the Office Action of June 1, 2005. Applicant hereby requests entry of this Response and further consideration of the present application in view of the following remarks.

In the Office Action mailed on June 1, 2005, the examiner stated that the information disclosure statement (IDS) filed on April 22, 2004, failed to comply with 37 CFR 1.98(a)(2) and non U.S. patent documents listed in the IDS have not been considered.

The examiner also objected claims 6 and 11 for informalities, mostly missing letters in the claim language. The examiner also requested actions to correct omissions and misspellings in the specification and abstract.

Besides objecting to the IDS and informalities in the claim language and specification, the examiner also rejected claims 1-9 and 11 under 35 U.S.C. §102 as being unpatentable over "The History of Horse Racing" (an Internet publication taken from website www.mrmike.com/explore/hrhist.htm) and claim 10 under 35 U.S.C. §103(a) as being anticipated over "The History of Horse Racing." Applicant respectfully traverses these grounds of rejection and requests reconsideration thereof in view of the following remarks.

Information Disclosure Statement

Applicant has resubmitted a copy of the IDS on May 26, 2005, with copies of non-U.S. patent documents that were submitted originally on April 20, 2004. Therefore, the objection to the IDS filed on April 20, 2004, has been mooted.

Misspellings and Omissions Informalities

Applicant submits that numerous misspellings and omissions in the claim language, specification, and abstract are caused by the USPTO's OCR scanning

process as Applicant has seen similar problems with other pending applications. Applicant traverses this objection as the errors have been caused by the USPTO, but to facilitate the prosecution hereof, Applicant resubmits a copy of the application as filed herewith.

Claim 1

The Office Action rejected claim 1 under 35 U.S.C. §102(e) as being unpatentable over “The History of Horse Racing” (THHR). The Office Action uses wagering on horse race to parallel the method of claim 1. The Office Action stated that wagering on a horse race is understood as placing a first type of bet and making a second wager dependent on the winning outcome of the first wager is understood as placing a second bet in claim 1. The Office Action then gave an example of a player wagering on horses #5 and #3 to both win the same race. The Office Action further stated that inherent to horse race, defining multiple wagers on the same race, the wagers must be dependent on each other in some form or another. The Office Action also stated that multiplying the winning wager by a multiplier value and adding the value of the wager to the multiplied value of the winning wager is equated to the payout of a horse race in view of the odds in horse racing. Applicant respectfully disagrees with the examiner’s interpretation of claim 1 and traverses this rejection.

THHR discloses horse racing and the betting related to horse racing. The odds of return on a betting depend the amount assigned as the payout divided by the number of individual winning wagers (THHR, page 4, 1st paragraph). The odds of one horse winning one race are related to the odds of another horse winning the same race.

On the other hand, the amended claim 1 is directed to a group participation game, where a player places one bet on one sporting event and another bet on a group game, such as a multiplier game. The odds of winning the group game are independent from the odds of winning the sporting event. However, winning the group game affects the payout of the sporting event if the player wins the group game and the sporting event. The group game in the amended claim 1 is different from the odds

in the horse racing because the multiplier does not need to depend on the odds of winning the sporting event.

In order to anticipate the present invention, a reference must disclose all elements of the rejected claims, MPEP §2131. In view that THHR does not disclose at least the elements of determining a multiplier factor from a group game that is independent of the sporting event and determining a payout by multiplying the winning of the sporting event by the multiplier factor if the player wins also the group game, Applicant submits that claim 1, as amended, is patentable over THHR and allowance thereof is respectfully solicited.

Claim 2

The Office Action rejected claim 2 under 35 U.S.C. §102(e) as being unpatentable over THHR. The Office Action stated that the odds inherently exist prior to the first wager. Applicant respectfully traverses the rejection.

In view of the explanation provided above in respect to the patentability of claim 1, Applicant submits that the multiplier in amended claim 2 is different from the odds in THHR, because the multiplier is dependent on winning the group game and totally independent from the sporting event. On the other hand, the odds in THHR depend directly on the bets placed on the horse race itself. Therefore, Applicant respectfully requests that the rejection be withdrawn and claim 2, as amended, be allowed.

Claim 3

The Office Action rejected claim 3 under 35 U.S.C. §102(e) as being unpatentable over THHR. However, the Office Action did not state where in THHR it is stated that the odds are determined after the horse racing. Applicant respectfully traverses the rejection.

Nevertheless, as THHR does not disclose the determination of the odds after the horse racing, Applicant submits that the multiplier in amended claim 3 is different from the odds in THHR as explained above in respect to the patentability of claim 1. Therefore, Applicant respectfully requests that the rejection be withdrawn and claim 3, as amended, be allowed.

Claim 4

The Office Action rejected claim 4 under 35 U.S.C. §102(e) as being unpatentable over THHR. Applicant respectfully traverses the rejection.

Claim 4 depends from claim 1, Applicant submits that claim 4 is patentable over THHR for at least reasons stated above with respect to the patentability of claim 1. Therefore, Applicant respectfully requests that the rejection be withdrawn and claim 4 be allowed.

Claim 5

The Office Action rejected claim 5 under 35 U.S.C. §102(e) as being unpatentable over THHR. The Office Action stated that the odds are based on the type of bet and the horses chosen and the bet on the same horse receives the same odds. Applicant respectfully traverses the rejection.

The multiplier of claim 5 is common for all players who enter the group game and is independent of individual wagers. Therefore, Applicant submits that the multiplier in amended claim 5 is different from the odds in THHR and respectfully requests that the rejection be withdrawn and claim 5, as amended, be allowed.

Claim 6

The Office Action rejected claim 6 for the same reasons stated for the rejection of claim 1. Applicant traverses the rejection.

Applicant submits that claim 6, as amended, is patentable over THHR for the same reasons stated above in respect to the patentability of claim 1 and requests the rejection be withdrawn and claim 6, as amended, be allowed.

Claim 7

The Office Action rejected claim 7 for the same reasons stated for the rejection of claim 2. The Office Action stated that the odds inherently exist prior to the first wager. Applicant respectfully traverses the rejection.

In view of the explanation provided above in respect to the patentability of claim 6, Applicant submits that the multiplier in amended claim 7 is different from the odds in THHR. Therefore, Applicant respectfully requests that the rejection be withdrawn and claim 7, as amended, be allowed.

Claim 8

The Office Action rejected claim 8 for the same reasons stated for claim 3. However, the Office Action did not state where in THHR it is stated that the odds are determined after the horse racing. Applicant respectfully traverses the rejection.

THHR does not disclose the determination of the odds after the horse racing, Applicant submits that the multiplier in amended claim 8 is different from the odds in THHR as explained above in respect to the patentability of claim 6. Therefore, Applicant respectfully requests that the rejection be withdrawn and claim 8, as amended, be allowed.

Claim 9

Claim 9 depends from amended claim 6. Applicant submits that claim 9 is patentable over THHR for at least reasons stated above with respect to the patentability of claim 6. Therefore, Applicant respectfully requests that the rejection be withdrawn and claim 9 be allowed.

Claim 10

The Office Action rejected claim 10 under 35 U.S.C. §103(a) as being obvious over THHR. The Office Action stated without providing any support that the selection of the multiplier value after the conclusion of the racing event is considered to be met. Applicant respectfully traverses the rejection.

In order to render an invention obvious, the reference must disclose every element of the invention, MPEP §2141. Applicant does not discern where in THHR the element of determining the multiplier (odds) value after the sporting event is concluded. This unsupported statement cannot render the invention obvious in the absence of disclosure of such element by the reference.

Therefore, Applicant respectfully requests either the examiner points out in particular where in THHR the element of determining the multiplier value after the sporting event is concluded, or otherwise, amended claim 10 must be allowed.

Claim 11

The Office Action rejected claim 11 for the same reasons stated for the rejection of claim 1. Applicant traverses the rejection.

Applicant submits that claim 11, as amended, is patentable over THHR for the same reasons stated above in respect to the patentability of claim 1 and requests the rejection be withdrawn and claim 11, as amended, be allowed.

Conclusion

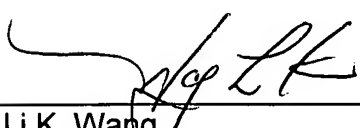
In view of the foregoing remarks, Applicant respectfully submits that Claims 1-11 are in condition for allowance and entry of the present amendment and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicant's attorney (404-815-3383) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 03-0683.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner of Patents, Alexandria, VA 22313-1450, on this 5th day of July, 2005.

Lucille Golden-Blakey

Name

Lucille Golden-Blakey

Signature